



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Heizer, Charles K.	Group No.: 3748
Serial No.: 10/810,513	Atty. Docket No.: 71044-014
Filed: 03/27/2004	Examiner: Trieu, Theresa
For: Gapless Screw Rotor Device	

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S AMENDMENT UNDER 37 CFR 1.312

HONORABLE SIR:

Responsive to the official communication of May 11, 2005 in which the Patent Examiner entered an Examiner's Amendment with the Notice of Allowability, Applicant submits the following:

INFORMATION DISCLOSURE STATEMENT

The Examiner correctly states that a list of all patents, publications or other information should be submitted for consideration by the Office in accordance with 37 CFR 1.98(b) and that according to MPEP §609 III.A(1), such a listing "may not be incorporated into the specification but must be submitted in a separate paper." However, applicant submits that the references identified in the specification were properly before and should have been considered by the Examiner according to the rules of examination expressly set forth in MPEP §609 I.A.2: "The examiner will consider information which has been considered by the Office in a parent

application when examining (A) a continuation application filed under 37 CFR 1.53(b) or filed under former 37 CFR 1.60, (B) a divisional application filed under 37 CFR 1.53(b) or filed under former 37 CFR 1.60, or (C) a continuation-in-part application filed under 37 CFR 1.53(b).” The application is a continuation-in-part of Application No. 10/283,421 and the references at issue were a part of the record of this parent application because applicant had submitted the same references to the same Examiner during the prosecution of its parent application, Application No. 10/013,747. Therefore, the references listed by the Examiner on form PTO-892 were properly before the Examiner from the initial filing of the present application. According to MPEP §609 I.A.2, the only effect of not resubmitting references that are in a parent application is that the information may not be printed on the patent (“A listing of the information need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent.”). Applicant appreciates that the Examiner has confirmed that the references have again been reviewed and submits that these references should be printed on the patent now that the Examiner has entered them on form PTO-892.

Respectfully submitted,



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